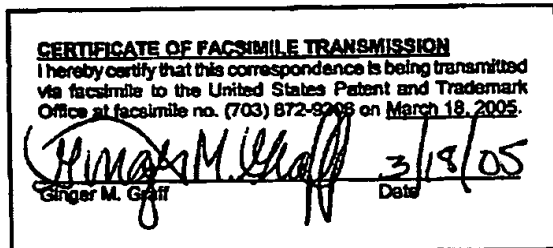


Application Serial No. 09/765,151
Amendment dated March 18, 2005
Reply to Office Action dated November 18, 2004

PATENT



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No: 09/765,151
Filed: January 17, 2001
Applicant: Gilbert R. Gonzales et al.
Title: COMBINATION AND METHOD INCLUDING A VISUAL MARKER
FOR DETERMINING COMPLIANCE WITH A MEDICATION
REGIMEN
Art Unit: 3732
Examiner: Anu Ramana
Attorney Docket: UNSP-04 (now PEDI-27)

Cincinnati, Ohio 45202

March 18, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

In response to the Office Action dated November 18, 2004, in the above-identified application, Applicants respond as follows:

Amendments to the Claims are reflected in the Listing of Claims which begins on page 2 of this paper.

Remarks begin on page 10 of this paper.

06/14/2005 SDIRETA1 00000019 233000 09765151

01 FC:2251 60.00 DA

PAGE 2/29 * RCVD AT 3/18/2005 3:23:34 PM [Eastern Standard Time] * BVR:USPTO-EPXRF-1/8 * DROS:8729308 * CSID:513 241 6234 * DURATION (mm:ss):20-20

Adjustment Date: 06/14/2005 SDIRETA1
03/28/2005 GWOTEN 00000001 233000 09765151
01 FC:2252 225.00 CR

*Entered in
CPC 03/28/05*

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUHN
KURT L. GROSSMAN
CLEMENT H. LUKEH, JR.
THOMAS J. BURGER
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KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.
KRISTIL L. DAVIDSON

OF COUNSEL
JOHN D. POFFENBERGER
THOMAS W. FLYNN

2700 CAREW TOWER

441 VINE STREET

CINCINNATI, OHIO 45202-2817

TELEPHONE: 513-241-2324

FACSIMILE: 513-241-6234

EMAIL: info@whopatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.
KATHRYN E. SMITH
P. ANDREW BLATT, PH.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, PH.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
STEVEN W. BENINTENDI, PH.D.
RANDALL S. JACKSON, JR.

TECHNICAL ADVISORS
HENRY M. LABODA, PH.D.

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May 6, 2005

FACSIMILE COVER SHEET

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Fax: 703-872-9306

From: David E. Jefferies

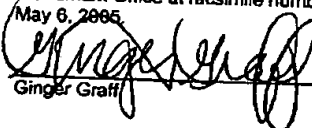
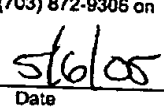
Re: Request for Refund of Fee for
Extension of Time
Serial No: 09/765,151
Applicant: Gilbert R. Gonzales et al.
Filing Date: January 17, 2001
Title: COMBINATION AND
METHOD INCLUDING A VISUAL
MARKER FOR DETERMINING
COMPLIANCE WITH A
MEDICATION REGIMEN
Art Unit: 3751
Examiner: Anu Ramana
Conf. No.: 6299
Our Ref: PEDI-27 (formerly UNSP-04)

Pages: 9 (including cover sheet)

MESSAGE/COMMENTS

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PATENT

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 Ginger Gratt	 Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No: 09/765,151
Applicant: Gilbert R. Gonzales et al.
Filing Date: January 17, 2001
Title: COMBINATION AND METHOD INCLUDING A VISUAL MARKER FOR DETERMINING COMPLIANCE WITH A MEDICATION REGIMEN
Art Unit: 3751
Examiner: Anu Ramana
Conf. No.: 6299
Atty. Docket: PEDI-27 (formerly UNSP-04)

Cincinnati, Ohio 45202

May 6, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND OF FEE FOR EXTENSION OF TIME

A response to Office Action dated November 18, 2004 was filed in the above-identified application on March 18, 2005. The Commissioner was authorized to charge our Deposit Account No. 23-3000 in the amount of \$60.00 for the small entity fee for a one-month extension of time as set forth in 37 C.F.R. § 1.17(a)(1). However, our Deposit Account No. 23-3000 was charged \$225.00 on March 28, 2005 for the small entity fee for a two-month extension of time.

This response to Office Action, with a one-month extension of time, was originally transmitted and received by the U.S. Patent and Trademark Office on March 18, 2005 (PTO auto reply attached as Exhibit A hereto). Thus, only a one-month

extension was required, and there is no fee due for an extra extension of time beyond the fee for the one-month extension of time previously authorized.

A copy of our deposit account statement is attached as Exhibit B. It is believed that the U.S. Patent and Trademark Office has erroneously charged our deposit account \$225.00 for a two-month extension of time. Therefore, Applicants are entitled to a refund in the amount of \$165.00, which equals the amount overcharged, under 37 C.F.R. § 1.26(a).

Please forward a refund check in the amount of \$165.00 to the undersigned at the address below at your earliest possible convenience.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By 
David E. Jefferies, Reg. No. 46,800

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
Cincinnati, Ohio 45202
(513) 241-2324 (voice)
(513) 421-7269 (facsimile)

MAY-06-2005 14:25

513 241 6234

513 241 6234 P.04

Exhibit A

Auto-Reply Facsimile Transmission



TO:

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Fax Information

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3/18/2005 3:23:34 PM [Eastern Standard Time]

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Received
Cover
Page
=====>

MAR-18-2005 15:25 513 241 6234 513 241 6234 P.01

WOOD, HERRON & EVANS, L.L.P.

ATTORNEYS AT LAW
1100 N. GLENN
SUITE 200
ALBUQUERQUE, NM 87102-1100
TEL: 505-261-1100
FAX: 505-261-1101
WWW.WHEV.COM

TO: Mr. David E. Jaffee
FROM: David E. Jaffee
RE: Serial No. 09/765,191
Filed: January 17, 2001
Applicant: Gilbert R. Gonzales et al.
COMBINATION AND METHOD
INCLUDING A VISUAL MARKER
FOR IDENTIFYING COMPLIANCE
WITH A MEDICATION REGIMEN
Act No. 3722
Examiner: Ann Razumova
A primary document: USPTO-04 (now
PFD-27)
Pages: 70 (including cover sheet)

MESSAGE/COMMENTS

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PAGE 5/9 * RCVD AT 3/18/2005 3:23:34 PM [Eastern Standard Time] * SVR:USPTO-EFAXRF-1/2 * DNIS:8729306 * CSID:513 241 6234 * DURATION (mm-ss):02-58

Auto-reply fax to 513 241 6234 COMPANY:

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3/18/2005 3:43:59 PM [Eastern Standard Time]

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Received
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Page

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PER-10-2005 15145	513 241 6234	513 241 6234 P.01/02
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--	--	--

March 18, 2005

FACSIMILE COVER SHEET

To: Art Unit: 3732	From: David E. Jefferson
Examiner: Anna Ramona	
Fax: 703-872-9306	
	Re: Serial No: 09/765,151
	Filed: January 17, 2001
	Applicant: Gilbert R. Gonzalez et al.
	COMBINATION AND METHOD
	INCLUDING A VISUAL MARKER
	FOR DETERMINING COMPLIANCE
	WITH A MEDICATION REGIMEN
	Art Unit: 3732
	Examiner: Anna Ramona
	Attorney Docket: UNSP-04 (now
	FED-27)
	Pages: 2 (including cover sheet)

MESSAGE/COMMENTS

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Exhibit B

Deposit Account Statement

Requested
Statement
Month:
Deposit
Account
Number:

Mar-05

233000

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	ATTORNEY
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22-Mar	5	10864941 LANT-C02DV	2201	\$200.00 KRH
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28-Mar	1	9765151 PEDI-27	2252	\$225.00 DEJ
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